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In re Application of	:	OFFICE OF PETITIONS
Kenji Ishikawa et al	:	
Application No. 10/019,678	:	ON PETITION
Filed: January 4, 2002	:	
Attorney Docket No. Q67879	:	

This is a decision on the petition under 37 CFR 1.313(a) and (c)(2), filed February 28, 2005, which is being treated under 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
- (2) Consideration of a submission pursuant to 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

See Changes to Application Examination and Provisional Application Practice , Interim Rule, 65 Fed. Reg. 14865, 14873 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47, 54 (Apr. 11, 2000).

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c)). The circumstances of the above-identified application do not fall within any of those exceptions.

In the instant case, there is no indication that petitioner has submitted a submission as required by 37 CFR 1.114. Therefore, the Office will not grant the requested suspension of action. See MPEP 709(B).

Telephone inquiries should be directed to Wan Laymon at (571) 272-3220.



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